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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 37697-0033

Applicant(s): Edward W. MERRILL *et al.*

Confirmation No.: 8881

Serial No.: 09/764,445

Examiner: D. Truong

Filing Date: January 19, 2001

Group Art Unit: 1711

Title: RADIATION AND MELT TREATED ULTRA HIGH MOLECULAR  
WEIGHT POLYETHYLENE PROSTHETIC DEVICES

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56 and §1.97. A copy of each of the listed documents are being submitted to comply with the provisions of 37 C.F.R. §1.97-1.99.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

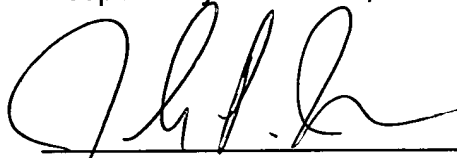
This Information Disclosure Statement is being filed after the mailing of a first Office action on the merits but before the mailing date of either (1) a final action under §1.113; (2) a notice of allowance under §1.311; or (3) an action that otherwise closes prosecution in the application. The required fee in the amount of \$180.00 in

accordance with 37 CFR §1.17(p) is attached. The Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

English translations of the foreign-language documents may not be readily available; however, the absence of such translations does not relieve the PTO from its duty to consider the submitted documents (37 CFR §1.98 and MPEP §609).

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John P. Isacson', is written over a horizontal line.

John P. Isacson  
Attorney for Applicant  
Reg. No. 33,715

October 29, 2004

Date

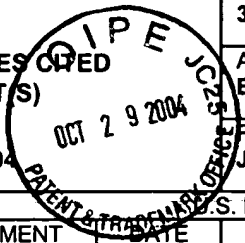
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Sheet 1 of 2		Form PTO/SB/08A		ATTY DOCKET NO. 37697-0033		SERIAL NO. 09/764,445	
<b>LIST OF REFERENCES CITED BY APPLICANT(S)</b>				APPLICANT(S) Edward W. MERRILL et al.			
Date Submitted: October 29, 2004				FILING DATE January 19, 2001		GROUP 1711	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE (M/D/Y)	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	F01	6,641,617	11/4/03	Merrill et al.	623	23.58	
	F02	6,786,933	9/7/04	Merrill et al.	623	23.58	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE (M/D/Y)	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	F03	WO94/27651	12/8/94	WIPO			
	F04	WO93/10953	6/10/93	WIPO			
	F05	EP0847765	6/17/98	EPO			
	F06	EP1005872	6/7/00	EPO			
	F07	AU-B-64364/94	12/20/94	Australia			
	F08	JP62243634	10/24/87	Japan			Abstract
	F09	JP59168050	9/21/84	Japan			Abstract
	F10	BE1001574A6	12/5/89	Belgium			No
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	F11	Bennett et al.	42 <sup>nd</sup> Annual Meeting, Orthopaedic Research Society, Atlanta, GA (2/19-22/96)				
	F12	de Boer et al.	Polymer 23: 1944-1952 (1982)				
	F13	Gulke	Polymer Process Engineering, p. 419, PTR Prentice Hall (1994)				
	F14	Howmedica	Overview and Fundamentals of UHMWPE, Part 1 of a Series on Ultra-High Molecular Weight Polyethylene, p. 1-8 (1994)				
	F15	Howmedica	Material Properties, Product Quality Control and Their Relation to UHMWPE Performance, Part 2 of a Series on Ultra High Molecular Weight Polyethylene, p. 1-20 (1994)				
	F16	Howmedica	A Comparative Analysis Analysis of the Properties of Standard and "Enhanced" Ultra-High Molecular Weight Polyethylene, Part 3 of a Series on Ultra High Molecular Weight Polyethylene, p. 1-12 (1994)				
	F17	Howmedica	Duration Stabilized UHMWPE, A Polyethylene with Superior Resistance to Oxidation, Part 4 of a Series on Ultra High Molecular Weight Polyethylene, p. 1-12 (1998)				
	F18	Kamel et al.	J. of Polymer Science: Polymer Physics Edition 23: 2407-2409 (1985)				
	F19	Lancaster	Friction and Wear, Polymer Science, Chapter 14: 960-1046 (1972)				
	F20	Li et al.	The Journal of Bone and Joint Surgery 76-A: 1080-1090 (1994)				
	F21	Miller et al.	Wear 28: 207-216 (1974)				
EXAMINER				DATE CONSIDERED			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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37697-0033SERIAL NO.  
09/764,445LIST OF REFERENCES CITED  
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## U.S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE (M/D/Y)	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

F22	Narkis et al.	J. Macromol. Sci Phys. B26(1): 37-58 (1987)
F23	Qu et al.	J. of Applied Polymer Science 48: 711-719 (1993)
F24	Ratner et al.	Abrasion of Rubber 145-154 (1967)
F25	Rose et al.	Biomaterials 11: 63-67 (1990)
F26	Rosen	Fundamental Principles of Polymeric Materials, p.40, John Wiley & Sons, Inc. (1993)
F27	Shen et al.	Wear 30: 349-364 (1974)
F28	Shinde et al.	J. of Polymer Science: Polymer Physics Edition 23: 1681-1689 (1985)

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